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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/852,848

Applicant(s)

ARNESON ET AL.

Examiner

Yasin M. Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's arguments filed on October 26, 2006 have been considered and are deemed persuasive. However, they are moot in view of the new ground(s) of rejection.

- Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2153

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 15-16 and 19-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chack USPN. (6751211).

As per claim 15, Chack teaches a method of providing database access (fig.1 and abstract), comprising:

associating a first piece of information with a first communications device identifier in a system [the transaction processing system identifies or generates a web page having an associated URL. The URL is associated with the incoming call, thereby associating the web page with the incoming call col.6, 11-18);

detecting a first communications device identifier when said first communications device is used to contact said system (In other embodiments of the invention, the transaction processing system identifies the telephone number or other identifier associated with a received call. Based on information known about the call initiator, the transaction processing system determines whether to automatically provide a URL to the call initiator col. 7, lines 9-14) without said system answering call from said first communication device (the transaction

Art Unit: 2153

processing system provides a URL to the telephone caller without answering the call col. 7, lines 61-65 and col. 8, lines 61-63);

retrieving said first piece of information in response to detection of said first communications device identifier [col. 7, lines 9-14; col. 7, lines 61-65 and col. 8, lines 61-63]; and automatically transmitting said first piece of information to said first communications device following retrieval of said first piece of information [Abstract; col. 7, lines 61-65 and col. 8, lines 61-63].

As per claim 16, Chack teaches the method of providing database access according to claim 15, wherein:

said first piece of information is associated with said first communications device identifier by designating a first piece of information as information that is to be transmitted to a telephone number assigned to said first communications device [col.6, 11-18 and col. 8, lines 24-32].

As per claim 19, Chack teaches the method of providing database access according to claim 16, wherein said detection of said first communications device identifier comprises:

identifying said telephone number of said first communications device when said first communication device

Art Unit: 2153

contacts said system via telephony [col.6, 11-18 and col. 8, lines 24-32].

As per claim 20, Chack teaches the method of providing database access according to claim 19, wherein said identification of said telephone number of said first communications device comprises:

using caller ID to identify said first communications device prior to a telephone connection being established between said communications device and said system [col.6, 11-18 and col. 8, lines 24-32].

As per claim 21, Chack teaches the method of providing database access according to claim 19, wherein said transmission of said first piece of information to said first communications device comprises:

sending a text message to said first communications device using said telephone number of said first communications device [col.6, 11-18; col. 7, lines 59-66 and col. 8, lines 24-32].

As per claim 22,26, and 30 Chack teaches a method of retrieving information by a first device (Fig. 3, 60) from a second device (fig. 3, 68), comprising:

Art Unit: 2153

calling a first telephone number by said first device (col. 7, lines 61-63 a telephone caller initiates a call to a telephone number). See also col. 9, lines 43-46 and the abstract;

automatically retrieving said information by said second device in response to said call from said first device without said second device answering said call from said first device (the transaction processing system provides a URL to the telephone caller without answering the call col. 7, lines 61-65 and col. 8, lines 61-63); and

transmitting said information to said first device using a second telephone number (the URL is provided to the telephone initiator via PSTN 66 col. 9, lines 46-48).

As per claim 24,28 and 32 Chack teaches a method of retrieving information by a first device from a second device, wherein:

said second device determines said second telephone number from related information [col.6, 11-18 and col. 8, lines 24-32].

As per claim 25,29 and 33 Chack teaches a method of retrieving information by a first device from a second device, wherein:

said caller related information is caller ID [col.6, 11-18 and col. 8, lines 24-32].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack USPN (6751211) in view of Yeh et al US Pub. (2004/0162747).

Regarding claims 17 and 18, although Chack shows substantial features of the claimed invention as explained in claims 15 above, he does not explicitly show designating a selected stock quotation to be transmitted to a first communication device.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Chack, as evidenced by Yeh et al US Pub. (20040162747).

In analogous art, Yeh et al whose invention is about integrated interactive telephone and computer network communications system, disclose designating a selected stock quotation to be

Art Unit: 2153

transmitted to a subscriber (telephone number) communication device [¶ 0053 and 0059]. Giving the teaching of Yeh et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying **Chack** by employing the system of Yeh et al because it would give immediate desirable information to a user having a portable communication device at any location.

4. Claims 23,27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack USPN. (6751211) in view of Pepe et al USPN (5742668).

Regarding claims 23,27 and 31, although Chack shows substantial features of the claimed invention as explained in claims 22,26 and 30 above, he does not explicitly show using a short message service.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Chack, as evidenced by Pepe (5742668).

In analogous art, Pepe et al whose invention is about a network which provides a variety of electronic text delivery, receipt, and notification options system, disclose a system using short message service (FIG. 19 is a block diagram of a text messaging portion of a PCI network col. 4, lines 12-13; col. 5, lines 22-

Art Unit: 2153

30 and col. 10, lines 1-14]. Giving the teaching of Pepe et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Chack by employing the system of Pepe et al in order to limit the messages sent to the wireless messaging equipment of mobile employee and to receive only urgent messages when a mobile employee away from his office.

5. Claims 1-16 and 19-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al USPN (5742668) in view of Chack USPN. (6751211).

As per claim 1, Pepe et al teach a system for delivering information to a plurality of mobile recipients having mobile communications devices (PDA 30, Cellular phone 32 and pager 34) capable of receiving text messages, said system comprising:

at least one process server (PCI 40, fig.3);

at least one memory comprising [database 44];

a plurality of desired information listings (col.5, lines 33-63) corresponding to each of a plurality of recipients (subscribers), said plurality of desired information listings (types of services subscribed) including data indicative of

Art Unit: 2153

information desired by each respective one of said plurality of recipients [col. 7, lines 11-27 and 47-59]; and

a plurality of telephone identification listings corresponding to said plurality of recipients [database 44 stores profiles containing service related information for mapping services to subscribers col.6, lines 11-27 and 47-59]; and

a telephone link (fig. 3, network 29 and 39) through which said plurality of recipients can initiate telephone calls to access said process server [col. 5, lines 22-30];

wherein said process server (PCI 40, fig 3) uses said plurality of telephone identification listings to identify a recipient upon said recipient initiating a call telephone call to said telephone link [col. 15, lines 30-42]; and

in response to said telephone call, said process server initiates a process whereby said desired information is automatically provided to said recipient [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12. See also col. 5, lines 31-44]. Although Pepe et al shows substantial features of the claimed invention, he does not explicitly show a system without answering call transmitting information to a second device.

Art Unit: 2153

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al, as evidenced Chack USPN. (6751211).

In analogous art, Chack disclose whose invention is about a method for communicating information, disclose a transaction processing system that provides a URL to a telephone caller without answering the call (col. 7, lines 61-65 and col. 8, lines 61-63). Giving the teaching of Chack, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al by employing the method providing information to a telephone caller without answering the call of Chack. One ordinary skill in the art would do so because the transaction processing system does not answer the incoming call therefore no connection charges are incurred since no connection was established.

As per claim 2, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, wherein:

said process server identifies a caller ID of said recipient to identify said recipient (fig. 8, col. 14, lines 46-63) in a manner that reduces telephone charges otherwise

Art Unit: 2153

incurred by said recipient in calling said telephone link [col. 21, 53-67].

As per claim 3, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, further comprising:

an information transfer link through which said process server can send said desired information to said recipient [fig.3 and 8].

As per claim 4, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, wherein said information transfer link comprises:

a text messaging service associated with said process server to provide desired information for said recipient to said recipient in a text format upon initiation of a telephone call by said recipient to said telephone link [col. 5, lines 22-30 and col. 10, lines 1-14]].

Art Unit: 2153

As per claim 5, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 4, wherein said text messaging services comprises:

a text messaging service that permits delivery of text messages to said recipient via at least one of a pager and a cellular telephone [col.21, lines 40-65].

As per claim 6, Pepe et al teach the system for delivering information to a plurality of mobile recipients having mobile communications devices capable of receiving text messages according to claim 1, further comprising:

an interactive data access device that said process server may access in response to receipt of a telephone call from said recipient such that said process server can obtain desired information for said recipient [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12].

As per claim 7, Pepe et al teach the method of providing electronic mail notification to a communications device, comprising:

associating an electronic mail account with a first phone number (the number called by the subscriber) calling said first

Art Unit: 2153

phone number from a communications device (subscriber portable device 32) [col. 21, 15-67]; and

automatically providing said electronic mail message to said communications device after said communications device calls said first phone number [col. 7, lines 30-46 and col. 21, lines 18-67].

As to the limitation of without a called device answering a call see the rejection in claim 1 above.

As per claim 8, Pepe et al teach the method of providing electronic mail notification to a communications device according to claim 7, further comprising:

obtaining a communications device identifier when said communications device dials said first phone number, and

using said communications device identifier to select said electronic mail message [col. 14, lines 46-63 and col. 21, 40-65].

As per claim 9, Pepe et al teach a method of providing information to a remotely located, portable communication device (PDA 30, Cellular phone 32 and pager 34, fig.4), comprising:

correlating at least one information unit represented by a text message maintained by a database system (col. 6, lines 47-

Art Unit: 2153

59) with a first phone number of an information retrieval system and a second phone number of a remotely located, portable communication device [col. 4, lines 46-64];

calling said first phone number with said remotely located, portable communication device, wherein said information retrieval system having said first phone number identifies said portable communication device (Cellular phone 32) using said second phone number [col. 5, lines 31-63 and col. 21, lines 40-55];

initiating a call from said portable communication device [col. 18, 30-40 and col. 21, 40-55];

retrieving said at least one information unit from said database system using said information retrieval system [col. 18, 30-40 and col. 21, 40-55]; and

automatically providing said information to said portable communication device using said second phone number [fig. 8, col. 14, lines 46-63 and col. 15, lines 9-12].

Although Pepe et al shows substantial features of the claimed invention, he does not explicitly show transmitting information to a second device without answering a call.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al, as evidenced Chack USPN. (6751211).

Art Unit: 2153

In analogous art, Chack disclose whose invention is about a method for communicating information, disclose a transaction processing system that provides a URL to a telephone caller without answering the call (col. 7, lines 61-65 and col. 8, lines 61-63). Giving the teaching of Chack, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al by employing the method providing information to a telephone caller without answering the call of Chack. One ordinary skill in the art would do so because the transaction processing system does not answer the incoming call therefore no connection charges are incurred since no connection was established.

As per claim 10, Pepe et al teach the method of providing information to a remotely located portable communication device according to claim 9 wherein said portable communication device, comprises:

a text messaging capable cellular telephone [fig. 3, cellular phone 32].

As per claim 11, Pepe et al teach the method of providing information to a remotely located, portable communication device

Art Unit: 2153

according to claim 9, wherein identification of said portable communication device includes:

utilization of caller ID information [col. 6, lines 47-65 and col. 21, lines 60-67].

As per claim 12, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

termination of said call to said first phone number is performed after a first ring [col.12, line 56-65].

As per claim 13, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

each instance of providing information to said portable communication device incurs no marginal cost to a user of said portable communication device [col. 21, 53-67].

As per claim 14, Pepe et al teach the method of providing information to a remotely located, portable communication device according to claim 9, wherein:

providing information to said portable communication device from said database system via said information retrieval system occurs only once in response to each incidence of calling said

Art Unit: 2153

first phone number from said portable communication device
[col.21, lines 40-67].

As per claim 15, Pepe et al teach a method of providing database access (database 44), comprising:

associating a first piece of information with a first communications device identifier in a system [col.6, 34-59];

detecting a first communications device identifier when said first communications device is used to contact said system [the arrival of an email or a call is detected col. 10, lines 28-67];

retrieving said first piece of information in response to detection of said first communications device identifier [col. 10, lines 28-67]; and

automatically transmitting said first piece of information to said first communications device following retrieval of said first piece of information [fig. 8, col. 14, lines 46-63 and col. 21, 40-67].

Although Pepe et al shows substantial features of the claimed invention, he does not explicitly show transmitting information to a second device without answering a call.

Art Unit: 2153

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Pepe et al, as evidenced Chack USPN. (6751211).

In analogous art, Chack disclose whose invention is about a method for communicating information, disclose a transaction processing system that provides a URL to a telephone caller without answering the call (col. 7, lines 61-65 and col. 8, lines 61-63). Giving the teaching of Chack, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al by employing the method providing information to a telephone caller without answering the call of Chack. One ordinary skill in the art would do so because the transaction processing system does not answer the incoming call therefore no connection charges are incurred since no connection was established.

As per claim 16, Pepe et al teach the method of providing database access according to claim 15, wherein:

said first piece of information is associated with said first communications device identifier by designating a first piece of information as information that is to be transmitted to a telephone number assigned to said first communications device

Art Unit: 2153

[col. 14, lines 46-63; col. 15, lines 9-12 and col. 21, lines 40-67].

As per claim 19, Pepe et al teach the method of providing database access according to claim 16, wherein said detection of said first communications device identifier comprises:

identifying said telephone number of said first communications device when said first communication device contacts said system via telephony [col. 15, lines 30-42].

As per claim 20, Pepe et al teach the method of providing database access according to claim 19, wherein said identification of said telephone number of said first communications device comprises:

using caller ID to identify said first communications device prior to a telephone connection being established between said communications device and said system [col. 6, lines 47-65 and col. 21, lines 60-67].

As per claim 21, Pepe et al teach the method of providing database access according to claim 19, wherein said transmission of said first piece of information to said first communications device comprises:

Art Unit: 2153

sending a text message to said first communications device using said telephone number of said first communications device [col. 5, lines 31-63].

As to claims 22, 26 and 30, these claims have similar limitations as claim 1 and 15, therefore, they are rejected with the same rationale.

As to claims 23-25, 27-29 and 31-33, these claims have similar limitations as to claims 1-6. Therefore, they are rejected with the same rationale.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe and Chack in view of Yeh et al US Pub. (20040162747).

Regarding claims 17 and 18, although Pepe and Chack show substantial features of the claimed invention as explained in claims 1 and 15 above, they do not explicitly show designating a selected stock quotation to be transmitted to a first communication device.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed

Art Unit: 2153

by Pepe and Chack, as evidenced by Yeh et al US Pub.

(2004/0162747).

In analogous art, Yeh et al whose invention is about integrated interactive telephone and computer network communications system, disclose designating a selected stock quotation to be transmitted to a subscriber (telephone number) communication device [¶ 0053 and 0059]. Giving the teaching of Yeh et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe and Chack by employing the system of Yeh et al because it would give immediate desirable information to a user having a portable communication device at any location.

Conclusion

7. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be

Art Unit: 2153

reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153



KRISNA LIM
PRIMARY EXAMINER